

**REMARKS**

Reconsideration of the rejections set forth in the office action is respectfully requested. By this Amendment claim 9 has been canceled without prejudice or disclaimer and claims 1, 8, 12-13, 15 and 19-20 have been amended. Currently, claims 1-8 and 10-20 are pending in this application.

Allowable subject matter

The Examiner indicated that claim 12 would be allowable if rewritten to overcome the rejections under 35 USC 112, second paragraph and to include all of the limitations of the base claim and any intervening claims. Applicants have amended claim 12 in this manner and request that it be allowed.

Rejection under 35 USC 112

Claims 1-14 were rejected under 35 USC 112, second paragraph as indefinite. Specifically the Examiner indicated that it was not clear what applicant meant by “an address at least one capability of the network construct.” Applicants have amended claims 1 and 8 to overcome this rejection and respectfully request that it be withdrawn. Specifically, applicants have amended claims 1 and 8 to recite that the protocol data unit “contains, as an address, at least one capability of the network construct”. This clarifies that the address of the protocol data unit is a capability of the network construct, rather than a physical address of the network construct. In view of this amendment, applicants submit that the claims are sufficiently definite under 35 USC 112, second paragraph, and respectfully request that the rejection be withdrawn.

Rejection under 35 USC 102(e)

Claims 1-11 and 13-20 were rejected under 35 USC 102(e) as anticipated by Holmgren (U.S. Patent Application No. 2004/0165595). This rejection is respectfully traversed in view of the amendments to the claims and the following arguments.

This application relates to a way for protocol data units to be addressed to network constructs that have particular capabilities. This allows the protocol data units to be addressed to

all network constructs having a particular capability rather than to network constructs with particular addresses. (Specification at paragraph 15).

Holmgren teaches a way for Ethernet protocol data units to be flooded on a network. The Examiner did not explicitly address the capability addressing aspect of the claims, but rather appears to have interpreted the “at least one capability” of a network construct as the ability of that construct to respond to Ethernet multicast traffic. In Holmgren, the nodes are configured to respond to multicast Ethernet OAM protocol data units. Thus, it appears that the Examiner has interpreted this as a capability of Holmgren’s Ethernet nodes and, interpreting the claims broadly, found that Holmgren anticipated the claims.

Holmgren does not teach or suggest that protocol data units should be addressed to network constructs with particular capabilities, to enable the network constructs with those capabilities to be identified on the network. To clarify the differences between what is intended to be claimed and what is shown in Holmgren, applicants have amended independent claim 1 to recite that the method includes the step of generating a capability addressed protocol data unit that contains, as an address, at least one capability of the network construct. Applicants have further amended claim 1 to clarify that the capability addressed protocol data unit is addressed to all constructs on the communication network having the at least one capability, and that the capability addressed protocol data unit specifies at least one of a set of possible capabilities to enable the capability addressed protocol data unit to be selectively received by only those network constructs with the selected capability. These amendments clarify that the protocol data units may be addressed to one of a plurality of possible capabilities to enable the protocol data unit to be received only by those network constructs with the selected capability. Since this is not shown by Holmgren, the Examiner is respectfully requested to withdraw the rejection under 35 USC 102.

Similar amendments have been made in the independent claims 8, 15, and 19 as well. In view of these amendments, applicants respectfully submit that the claims are in condition for allowance and respectfully request that the rejection under 35 USC 102 be withdrawn.

### Conclusion

Applicants would be happy to discuss this application with the Examiner to help focus and accelerate prosecution. Thus, if the Examiner believes a telephone interview would further

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prosecution of this application, the Examiner is invited to contact the undersigned at the number indicated below.

If any fees are due in connection with this filing, the Commissioner is hereby authorized to charge payment of the fees associated with this communication or credit any overpayment to Deposit Account No. 502246 (Ref: NN-16540).

Respectfully Submitted

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